

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

In re

Case No.

Debtor(s).

Chapter 13

**ORDER AND NOTICE OF DEBTOR(S)' MOTION TO ADD POSTPETITION
CREDITOR(S) TO CHAPTER 13 PLAN AND OF CREDITOR(S) OPTIONS TO FILE
A PROOF OF CLAIM AND TO RECEIVE PAYMENTS UNDER THE PLAN**

The debtor(s) having filed a motion to modify their chapter 13 plan by adding certain postpetition creditor(s), and there either having been consent to the motion or no objection filed thereto, the motion may be GRANTED; however, the granting of such a motion may not force postpetition creditors into a chapter 13 plan absent their consent. See *In re Goodman*, 136 B.R. 167 (Bankr. W.D. Tenn 1992).

IT IS THEREFORE ORDERED that the debtor(s)' motion to modify the plan in this case to add the postpetition creditor(s) shown on the bottom of or attached as an exhibit to this Order is granted, with the provisions that such postpetition creditor(s) must be paid 100% of their claim or must consent to payment of a lesser percentage; that such creditor(s) may not be required to participate in this plan absent their consent; that such creditor(s) have the option to file a proof of claim and that the filing of such a claim establishes that creditor(s)' election to be paid through this chapter 13 plan (11 U.S.C. § 1305(a)); that the chapter 13 trustee may submit an administrative Order allowing a postpetition claim upon the filing of a proof of claim for such a debt; and that the chapter 13 trustee may adjust the debtor(s)' plan payments and the amounts of plan disbursements to reflect the allowance of a postpetition claim upon the filing of such a proof of claim, provided that disbursements to allowed prepetition creditors may not be reduced in the absence of notice to all prepetition creditors and of their opportunity to object to the reduction of their disbursements.¹ Only those postpetition claims that are allowed after the consensual filing of a proof of claim pursuant to 11 U.S.C. § 1305(a) may be subject to discharge under 11 U.S.C. § 1328.²

UNITED STATES BANKRUPTCY JUDGE

Dated: _____

cc: Debtor(s) and Debtor(s)' Attorney
Chapter 13 Trustee

Postpetition Creditors listed below or attached to this Order (the debtor(s) or debtor(s)' attorney shall be responsible for noticing this Order to the added creditors and for filing a certificate of service pursuant to L.B.R. 9074-1):

¹If the debtor(s) intend to reduce plan disbursements to prepetition creditors or to otherwise adversely affect them by the addition of postpetition creditors, the debtor(s) must file a separate motion seeking to modify the plan pursuant to 11 U.S.C. § 1323 or § 1329 and must notice all creditors of that motion to modify. FED. R. BANKR. P. 3015(g).

²But see 11 U.S.C. § 1328(d) for its provisions concerning approval of a postpetition debt prior to its incurrence.